



*MPX*

PATENT  
Customer No. 22,852  
Attorney Docket No. 08888.0530

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Patrick BENOIT et al. ) Group Art Unit: 1645  
Application No.: 10/005,337 ) Examiner: Not Yet Assigned  
Filed: December 7, 2001 )  
For: SEQUENCES UPSTREAM OF THE )  
CARP GENE, VECTORS )  
CONTAINING THEM AND USES )  
THEREOF )

Commissioner for Patents  
Washington, DC 20231

Attention: **BOX MISSING PARTS**

Sir:

**RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF APPLICATION**

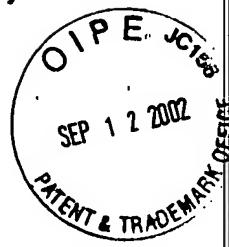
In response to the communication mailed March 14, 2002, Applicants submit the following:

- (1) Declaration/Power of Attorney (4 pages);
- (2) Substitute Sequence Listing in Computer-Readable Format (diskette) and a paper copy of the Substitute Sequence Listing (5 pages);
- (3) Petition for Four-Month Extension of Time and \$1,440.00 fee;
- (4) the required fee of \$130.00; and
- (5) a copy of the Notice to File Missing Parts of Nonprovisional Application.

By virtue of the Petition for Extension of Time (four months) filed concurrently herewith, this response is due September 14, 2002, and is timely filed.

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REMARKS

In the Notice to File Missing Parts of Nonprovisional Application ("the Notice") mailed March 14, 2002, the Office notified Applicants that the content of the computer-readable form of the previously submitted Sequence Listing did not comply with the requirements of 37 C.F.R. § 1.822 and/or 1.823. In reply, Applicants enclose a substitute computer-readable form of the Sequence Listing and a substitute paper copy of the Sequence Listing, which includes the correct current application number, the source of the genetic material in SEQ ID NOs. 4 and 5, and the other required corrections, as indicated on the marked-up "Raw Sequence Listing" attached to the Notice.

In connection with the Substitute Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission does not include new matter;
2. the content of the paper copy of the Substitute Sequence Listing and of the computer-readable copy of the Substitute Sequence Listing are the same; and
3. all statements made herein of his own knowledge are true and all statements made on information and belief are believed to be true; and further; that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Please associate the enclosed declaration with the application, grant any extensions of time required to enter this response, and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:   
William L. Strauss  
Reg. No. 47,114

Dated: September 12, 2002

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# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/005,337	12/07/2001	Patrick Benoit	03806.0530-00000



Finnegan, Henderson, Farabow,  
 Garrett & Dunner, L.L.P.  
 1300 I Street, N.W.  
 Washington, DC 20005-3315

CONFIRMATION NO. 9440

## FORMALITIES LETTER



\*OC000000007640702\*

Date Mailed: 03/14/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/17/2002 MBIZUNES 00000134 10005337

01 FC:105

130.00 OP

FILED UNDER 37 CFR 1.53(b)

### *Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE